



SENATE BILL 132: Columbia Elections/Hope Mills Quick Take.

2016-2017 General Assembly

Committee:	House Rules	Date:	June 28, 2016
Introduced by:	Sen. Sanderson	Prepared by:	R. Erika Churchill and Susan Barham, Legislative Staff
Analysis of:	PCS to Second Edition S132-CSTE-2		

SUMMARY: *The proposed committee substitute for Senate Bill 132 would:*

- *Increase the terms of the Mayor of Columbia from two to four years while updating the Town's charter to reflect the Town's current election practices for the Mayor and the Board of Aldermen; and validate previous elections in the Town of Columbia since January 1, 1977.*
- *Authorize the Town of Hope Mills to use the 'quick-take' method of condemnation for projects relating to Hope Mills Lake or Hope Mills Lake dam, until July 1, 2019.*

CURRENT LAW & BILL ANALYSIS:

Town of Columbia. The Charter for the Town of Columbia is found in Chapter 423 of the Public Laws of 1941.

Section 4 of the Charter of the Town pertains to the Mayor and Board of Aldermen. This section of the Charter provides that the Board of Aldermen be composed of 5 members, each elected for a term of 2 years. Section 4 also provides that the Mayor is elected to serve for a term of 2 years and the terms of office for both the Mayor and members of the Board of Aldermen begin on the first day of July next following their election.

Section 12 of the Charter requires that regular municipal elections be held in the Town every two years in odd numbered years for both the Mayor and the Board of Aldermen. Election for the choice of Mayor and the members of the Board of Aldermen must be held on Tuesday following the first Monday in May in odd numbered years.

Currently municipal elections for the town of Columbia are held on the 1st Tuesday in November in odd number years. The Aldermen are elected for a four year term on a staggered election process. The mayor, also, an elected position, serves for 2 years.¹

The charter in the Town of Columbia has not been updated to reflect the current election practices for the Mayor and the members of the Board of Aldermen. The PCS would bring the Town of Columbia into compliance.

Section 1 of the PCS would do all of the following:

- Increase the term of office for the Mayor from two to four years, effective with the 2017 election.

¹ <http://www.townofcolumbianc.com>

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- Updating the Town's charter to reflect the Town's current election practices for the Board of Aldermen, which is four year terms.
- Updates that the terms of office begin at the first regular meeting in December following the election.
- Requires that the regular election for Mayor and the Board of Aldermen is held the first Tuesday in November in odd numbered years.
- Validate previous elections in the Town of Columbia since January 1, 1977.

Town of Hope Mills. Under current law, cities and counties may use the power of eminent domain for the purposes listed in G.S. 40A-3(b), such as constructing city streets, building water and sewer lines, establishing parks, etc.

In exercising the power of eminent domain, a city or county may acquire the property by purchase, gift, or condemnation. Article 3 of Chapter 40A provides the procedures by which a county or city may condemn property. Generally, the public condemnor must file a civil action to condemn the property in the superior court in which the land is located and must provide a deposit in the amount estimated by the condemnor to be just compensation for the taking. Compensation is generally the fair market value (FMV) of the property. In the case of a taking of less than an entire tract, compensation is usually the greater of (i) the diminution on value, or (ii) the FMV of the property taken. The condemnor is allowed to take title to the property and has the right to possess the property upon the filing of an answer by the owner who does not challenge the authority of the condemnor, or upon the failure of an owner to file an answer within 120 days, or upon the disbursement of the deposit.

In limited circumstances under G.S. 40A-42(a), the condemnor has the right to immediate possession of the property when the complaint is filed. This action is sometimes referred to as "quick take condemnation." However, under this quick take authority, the compensation for the property is not questioned; the only difference is the date upon which possession of the property vests with the condemnor. The purposes for which the "quick take" process may be used are:

- Opening, widening, extending, or improving roads, streets, alleys, and sidewalks.
- Establishing, extending, enlarging, or improving storm sewer and drainage systems and works, or sewer and septic tank lines and systems.
- Establishing drainage programs and programs to prevent obstructions to the natural flow of streams, creeks and natural water channels or improving drainage facilities.
- Beach renourishment.
- Public access to beaches and appurtenant parking areas.
- A city is acquiring property for a public enterprise fund, for any of the following purposes:
 - Electric power generation, transmission, and distribution systems.
 - Water supply and distribution systems.
 - Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas, whether within the State or without.
 - Solid waste collection and disposal systems and facilities.
 - Cable television systems.

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- A county is acquiring property for a public enterprise fund, for any of the following purposes:
 - Water supply and distribution systems.
 - Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - Solid waste collection and disposal systems and facilities.

Section 2 of the PCS would authorize the Town of Hope Mills to use the quick take process for establishing, enlarging, or improving parks, playgrounds, and other recreational facilities involving or relating to Hope Mills Lake or Hope Mills Lake dam. The authority granted expires July 1, 2019.

EFFECTIVE DATE: Except as otherwise noted, effective when it becomes law.